



DD/S 68-1816  
22 April 1968

The Honorable Harley O. Staggers, Chairman  
Committee on Interstate and Foreign Commerce  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Chairman:

This is in response to your request for a report from this Agency on H.R. 602, "To prohibit the shipment in commerce of electronic eavesdropping and wiretapping devices."

The National Security Act of 1947, as amended, provides in part " . . . , That the Agency shall have no police, subpoena, law-enforcement power, or internal-security functions . . . " (50 U.S.C. 401). Consequently, the functions of this Agency, as limited by statute, do not appear to fall within the principal legislative thrust of H.R. 602.

It is believed that the prohibition imposed by H.R. 602 is not intended to impair the ability of this Agency to fulfill duties which it may be directed to perform under the National Security Act of 1947, as amended. The specific prohibitions and exceptions of Section 2 do not take into account whether the device is to be used in the interests of national security, or whether it is to be used within the United States or abroad. In order to resolve these problems it is requested that Section 2, page 2, lines 20 and 21 be amended to read "the United States which is specifically authorized to use such devices pursuant to Federal statute," and the language in Section 2514 of the Administration bill, H.R. 5386, be inserted as a new section.

The Bureau of the Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely,

S

Richard Helms  
Director

CONCUR: \*

[Redacted Signature]

Deputy Director for Plans

*P. Phillips*  
Date

[Redacted Signature]

Deputy Director for Support

*12 Apr 68*  
Date

[Redacted Signature]

General Counsel

*8 APR 1968*  
Date

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*This is somewhat better than the earlier formulation, but we could still have difficulties. I concur reluctantly. R*

OLC/CEA:rw (11 April 1967)

Rewritten: OLC/CEA:rw (22 March 1968)

Rewritten: OLC/CEA:rw (2 April 1968)